

REMARKS

Claims 1-29 are pending in the application, with claims 1-14 and 17-21 currently under consideration (claims 15, 16, and 22-29 having been withdrawn from consideration).

Response to Claim Rejections under 35 U.S.C. §102(b)

CLAIM 1

Claim 1 is directed to an absorbent article comprising a stretchable substrate, and an absorbent composite comprising a layer of adhesive composition in contact with the stretchable substrate and a layer of particulate superabsorbent material applied to and held by the adhesive composition, the absorbent composite being secured to the substrate by the adhesive composition.

Claim 1 is submitted to be unanticipated by and patentable over the references of record, and in particular U.S. Patent No. 5,496,429 (Hasse et al.), in that whether considered alone or in combination, the references fail to show or suggest an absorbent article having 1) a stretchable substrate, and 2) a layer of particulate superabsorbent material applied to and held by an adhesive composition.

As shown in Figs. 10 and 11, Hasse et al. discloses an absorbent article having a chassis 14 and an absorbent assembly 22, which is formed separate from and attached to the chassis. The chassis 14 comprises an outer layer 48 and elastic ear flap members 90 secured inward of longitudinal side regions 88 of the outer layer. The absorbent assembly 22 comprises a topsheet 24, a backsheet 26 (characterized in the Office action as the recited substrate), and an absorbent core 28 (characterized in the Office action as the recited absorbent composite) sandwiched between the topsheet and the backsheet.

Nowhere do Hasse et al. disclose that the backsheet (26)

is stretchable. Rather, Hasse et al. disclose that the backsheet is formed from a flexible, liquid impervious material, e.g., thin plastic films. See column 20, lines 48-62. The term "flexible" is not equated to being stretchable. Hasse et al. add that the elasticized leg cuffs disclosed therein are free from the backsheet so that the backsheet does not inhibit the leg cuffs. See column 21, lines 1-8. In other words, the backsheet of Hasse et al. is prevented from contacting the elasticized leg cuffs because the backsheet would inhibit the leg cuffs from stretching. Not only does Hasse et al. fail to teach or suggest that the backsheet is stretchable but they also infer that the backsheet is not stretchable.

Accordingly, Hasse et al. fails to teach or suggest a stretchable substrate as recited in claim 1.

Moreover, Hasse et al. fail to disclose that the adhesive securing the absorbent core to the backsheet has a layer of particulate superabsorbent material applied to it as recited in claim 1. As noted by the Office, Hasse et al. at column 20, lines 20-25 discloses that the backsheet (26) can be adhesively secured to the absorbent core and it is recognized that the absorbent core of Hasse et al. can include superabsorbent polymers (see column 19, line 26). However, nowhere does Hasse et al. disclose that the superabsorbent polymers are adhered to the backsheet. Rather, superabsorbent polymers are often used in absorbent cores in combination with other absorbent materials (e.g., wood pulp, cellulose wadding, coform) that are also disclosed in Hasse et al. In fact, Hasse et al. states that the "absorbent core 28 is preferably a batt of airfelt and particles of absorbent gelling material." See column 19, lines 65-67. Often, absorbent gelling material is dispersed throughout the airfelt and not arranged in a layer. For other

examples, see U.S. Patent Nos. 4,610,678; 4,673,402; 4,834,735; and 4,888,231, which are disclosed by Hasse et al. as disclosing exemplary absorbent structures that could be used as the absorbent core. See column 19, lines 50-65. Each of these patents discloses an absorbent core having a fibrous web with discrete hydrogel particles.

Adhering a fibrous web having discrete superabsorbent particles dispersed therein to a backsheet does not anticipate claim 1. The particles dispersed in the web are not in a layer nor are they necessarily applied to and held by the backsheet. As a result, Hasse et al. fails to teach or suggest a layer of particulate superabsorbent material being applied to and held by an adhesive composition as recited in claim 1.

Claims 2-29 depend directly or indirectly from claim 1 and are submitted to be patentable over Hasse et al. for the same reasons as claim 1.

CLAIM 19

Claim 19 depends from claim 1 and recites that the stretchable substrate is elastic. As provided above with respect to claim 1, Hasse et al. does not disclose a stretchable substrate and therefore cannot disclose an elastic substrate. The passage of Hasse et al. relied on by the Office (i.e., column 20, lines 48-53) discloses that the backsheet is flexible. Flexible means, as provided by Hasse et al., compliant and readily conforms to the general shape and contours of the human body. See column 20, lines 51-53 of Hasse et al. Elastic, on the other hand, means that upon application of an elongating force, a material (or substrate) is elongatable in at least one direction and retracts to dimensions close to its original dimensions (e.g., within at least about 25 percent) upon removal of the elongating force.

See page 17, paragraph [0056] of the present specification. Thus, Hasse et al. fail teach or suggest that the backsheet is elastic.

Accordingly, Hasse et al. fail to teach or suggest an elastic substrate as recited in claim 19. As a result, claim 19 is submitted to be further patentable over Hasse et al.

CLAIM 21

Claim 21 depends from claim 1 and recites, in part, that the absorbent article further comprises a second layer of particulate superabsorbent material being applied to and held by the second layer of adhesive composition. Since Hasse et al. fail altogether to disclose or suggest a layer of particulate superabsorbent material applied to and held by a layer of adhesive composition, Hasse et al. must fail to disclose or suggest a second layer of particulate superabsorbent material being applied to and held by the second layer of adhesive composition. Thus, claim 21 is submitted to be further patentable over Hasse et al.

CONCLUSION

In view of the foregoing, favorable consideration and allowance of claims 1-29 is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard L. Bridge". The signature is fluid and cursive, with the first name "Richard" and last name "Bridge" clearly distinguishable.

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